



No. 5 Orig.

Supreme Court of the United States.

OCTOBER TERM, 1899.

Original No. —

STATE OF LOUISIANA

THE STATE OF TEXAS ET AL.

T. S. SMITH,

Attorney General of the State of Texas.

R. H. WARD,

Assistant Attorney General of Texas.

JUDG & DETWAILER, PRINTERS, WASHINGTON, D. C. 10-17-'99



IN THE
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STATE OF LOUISIANA

vs.

THE STATE OF TEXAS ET ALs.

Now comes the State of Texas, by her attorney general, T. S. Smith, for the sole and only purpose of presenting to this honorable court her objections to and protest against the granting by this court to complainant herein leave to file the bill of complaint exhibited to the court, and for no other purpose, the grounds of said objection and protest being, *first*, that this court has no jurisdiction, of either the parties to or of the subject-matter of this suit, because it appears from the face of said bill that the matters complained of do not constitute, within the meaning of the Constitution of the United States, any controversy between the States of Louisiana and Texas.

Second. Because the allegations of said bill show that the only issues presented by said bill arise between the State of

Texas or her officers and certain persons in the city of New Orleans, in the State of Louisiana, and who are engaged in interstate commerce, which do not in any manner concern the State of Louisiana as a corporate body or State.

Third. Because said bill shows upon its face that this suit is in reality for and on behalf of certain individuals engaged in interstate commerce, and while the suit is attempted to be prosecuted for and in the name of the State of Louisiana, said State is only in effect loaning its name to said individuals and is only a nominal party, the real parties at interest being said individuals in the said city of New Orleans who are engaged in interstate commerce.

Fourth. That if the allegations of said bill be true, then it appears that as to the matters complained of the said William F. Blunt, health officer of the State of Texas, is not acting for and on behalf of the State of Texas under and by virtue of any law of the State, but that all of his acts are in excess of his power and authority as an officer of Texas, not binding on the State of Texas, and that as to such illegal and unauthorized acts of said William F. Blunt the said State of Texas cannot be held responsible, and therefore no such possible controversy between the States of Louisiana and Texas is shown as would give this court jurisdiction of this suit.

Fifth. That this court being without jurisdiction of the parties or of the subject-matter of this suit, to permit the complainant to file this bill and to force the State of Texas and her officers to appear herein would only subject the

State of Texas to great expense and annoyance without any benefit or advantage to complainant.

Wherefore the State of Texas most respectfully prays that this honorable court will refuse to grant leave to complainant to file said bill of complainant or to prosecute said suit against her.

T. S. SMITH,
Attorney General of the State of Texas.

R. H. WARD,
Assistant Attorney General of Texas.

In support of the above objections, we respectfully refer to the case of New Hampshire *vs.* Louisiana and others and New York *vs.* Louisiana and others, 108 U. S., 89, 90, 91.

T. S. SMITH,
Attorney General of Texas, and

R. H. WARD,
Assistant Attorney General of Texas.